

COMMISSION ON LOCAL GOVERNMENT

CHAPTER 10.

PUBLIC PARTICIPATION GUIDELINES.

1 VAC 50-10-10. (Repealed) Notification of proposal to amend rules.

Subsequent to any announcement of a proposal to amend its regulations as provided in ~~1 VAC 50-20-680 through 1 VAC 50-20-700~~, but prior to the development of any proposed amendments, the commission shall:

- ~~1. Publish notice of the proposal to amend its regulations in the Virginia Register of Regulations or in any successor publication;~~
- ~~2. Publish notice of the proposal to amend its regulation in a newspaper of general circulation in the City of Richmond area and in other newspapers or periodicals which the commission deems appropriate for the provision of suitable public notice;~~
- ~~3. Distribute press releases and announcements of the proposal to amend its regulations to other newspapers and media throughout the Commonwealth as the commission deems appropriate for the provision of suitable public notice;~~
- ~~4. Notify by letter, mailed prior to the publication of notice provided for in subsection 1 herein, to each potentially interested party listed in 1 VAC 50-10-20.~~

1 VAC 50-10-20. (Repealed) Identification of potentially interested parties.

The commission shall consider as potentially interested parties for purposes of its public participation process the following entities:

- ~~1. The Virginia Municipal League and the Virginia Association of Counties;~~
- ~~2. Any law firm, consulting entity, or other intermediary which is known by the commission to have represented or to have prepared data, exhibits, or testimony for any party previously appearing before it;~~
- ~~3. Any firm, group, association, or other entity which has advised the commission of interest in its work; and~~
- ~~4. Any other entity considered by the commission to be affected by the proposed amendments.~~

1 VAC 50-10-30. (Repealed) Content of notification.

The notifications provided for in 1 VAC 50-10-10 shall advise of the commission's proposal to amend its regulations and shall state the scope and nature of the amendments to be considered. The notifications shall solicit comment, data, and views from all interested parties on the proposed amendments. The notifications shall also specify the date, place, and time at which the commission will begin to formulate proposed amendments and the latest date, which shall be not less than 60 days after the publication of notice provided for in 1 VAC 50-10-10, by which interested parties may submit materials to the commission for review with respect to the proposed amendments.

1 VAC 50-10-40. (Repealed) Public hearing.

The commission shall hold one or more public hearings for the receipt of oral comment on proposed amendments from interested parties prior to their final adoption.

1 VAC 50-10-50. (Repealed) Extent of public participation.

By the adoption of this regulation the commission intends to afford all interested parties an opportunity to participate to the fullest in the initial formation, promulgation, and adoption of all amendments to its regulations.

1VAC50-10-60. Purpose and authority.

This chapter establishes public participation guidelines for soliciting input from interested parties in the formation, development and revision of regulations by the Commission on Local Government. These guidelines are required under §2.2-4007 of the Code of Virginia (Administrative Process Act). The guidelines do not apply to any regulations adopted on an emergency basis or to other regulations excluded from the operation of Article 2 of the Administrative Process Act under §2.2-4006 of the Code of Virginia.

1VAC50-10-70. Definitions

The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise:

“Administrative Process Act” means Chapter 40 (§2.2-4000 et seq.) of Title 2.2 of the Code of Virginia.

“Commission” means the Commission on Local Government.

“Person or persons” means an individual, a corporation, a partnership, an association, a government body, a municipal corporation, a political subdivision, or any other legal entity.
The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise:

1VAC50-10-80. Initiation of regulation development procedures.

A. The commission may, by majority vote of its membership, announce a decision to propose amendments to its regulations at any regular or special meeting.

B. Any person may petition the commission to promulgate new regulations, or to amend existing regulations subject to §2.2-4007 A of the Code of Virginia. The commission shall consider and respond to the petition pursuant to §2.2-4007A of the Code of Virginia within 90 days of receipt. The commission shall have sole authority to dispose of the petition.

1VAC50-10-90. Notification lists.

The commission shall establish and maintain lists of persons who shall be mailed the following documents, or notification of how to obtain a copy of the documents electronically, as they become available:

1. “Notice of Intended Regulatory Action” to promulgate, amend or repeal regulations.
2. “Notice of Comment Period” and public hearings.
3. Notice that final regulations have been adopted.

Failure of a person to receive the documents or notification for any reason shall not affect the validity of any regulations otherwise properly adopted by the commission under the Administrative Process Act.

1VAC50-10-100. Placement on the notification list; deletion.

A. The notification list maintained by the commission shall include, as a minimum, the following:

1. The Virginia Municipal League and the Virginia Association of Counties;
2. Any law firm, consulting entity, or other intermediary which is known by the commission to have represented or to have prepared data, exhibits, or testimony for any party previously appearing before it;
3. Any firm, group, association, or other entity which has advised the commission of interest in its work; and

B. Any other person wishing to be placed on the notification list may do so by electronic notification or by writing the commission. In addition, the commission at its discretion may add to the list any person it believes will serve the purpose of responsible participation in the formulation or promulgation of regulations. Each person on the list will be provided all information stated in 1VAC50-10-90. A person periodically may be

requested to indicate their desire to continue to receive documents or be deleted from the list. When mail is returned as undeliverable, the person will be deleted from the list. When electronic notifications are returned as undeliverable over more than one day, the person may be deleted from the list.

1VAC50-10-110. Notice of intent.

At least 30 days prior to filing the “Notice of Comment Period” and proposed regulations as required by §2.2-4007 of the Code of Virginia, the commission will publish a “Notice of Intended Regulatory Action.” This notice will provide at least a 30-day comment period and shall state whether the commission intends to hold a public hearing. Further, the notice shall describe the subject matter and intent of the planned regulation. Such notice shall be transmitted to the Registrar of Regulations for inclusion in The Virginia Register of Regulations.

1VAC50-10-120. Informational proceedings or public hearings for existing regulations.

Within two years of the promulgation of a regulation, the commission shall evaluate it for effectiveness and continued need. The commission shall conduct an informal proceeding, which may take the form of a public hearing, to receive public comment on existing regulations. Notice of such proceedings shall be transmitted to the Registrar of Regulations for inclusion in The Virginia Register of Regulations. Such proceedings may be held separately or in conjunction with any other meeting of the commission.

1VAC50-10-130. Notice of formulation and adoption.

At any meeting of the commission where it is anticipated the formation or adoption of a regulation will occur, the subject matter shall be transmitted to the Registrar for inclusion in the Virginia Register.

If one or more changes have substantial impact on a regulation, then any person may petition the commission within 30 days from the publication of the final regulation to request an opportunity for oral or written submittals on the changes to the regulation. If the commission receives requests from at least 25 persons for an opportunity to make oral or written comments, then the commission shall suspend the regulatory process for 30 days to solicit additional public comment, unless the commission determines that the changes made are minor or inconsequential in their impact.

If the Governor finds that one or more changes with substantial impact have been made to a proposed regulation, he may suspend the regulatory process for 30 days to require the commission to solicit further public comment on the changes to the regulation.

A draft of the commission's summary description of public comment shall be sent by the agency to all public commenters on the proposed regulation at least five days before final adoption of the regulation.

1VAC50-10-140. Advisory committees.

The commission may appoint an ad hoc advisory committee as it deems necessary to provide adequate participation in the formation, promulgation, adoption, and review of regulations. The advisory committee shall only provide recommendations to the agency and shall not participate in any final decision-making actions on a regulation.

When identifying potential advisory committee members, the commission may use the lists of persons who have previously participated in public proceedings concerning this or a related issue.

1VAC50-10-150. Applicability.

1VAC50-10-80, 1VAC50-10-90, 1VAC50-10-100, 1VAC50-10-120, 1VAC50-10-130 shall apply to all regulations promulgated and adopted in accordance with §2.2-4012 of the Code of Virginia, except those regulations promulgated in accordance with §2.2-4002, 2.2-4006, 2.2-4011, 2.2-4012.1, 2.2-4018, or 2.2-4025 of the Code of Virginia.

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